

REMARKS:

Claims 1-3 and 5-19 are in the case and presented for consideration.

Claims 1, 2 and 12 have been amended.

Claims 4 and 20-25 have been canceled.

Firstly, Examiner stated on page 4 of the above references Office Action, that “[w]ith regards to Mckeage et al., Keppler and Calanchi, as correctly stated by Applicant, the combination of the references would render the claims obvious..”

However, Applicants would like to respectfully point out to Examiner that nowhere in the record has any such statement been made.

CLAIM REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 1-11 and 20-25 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Mckeage et al. Cancer Chemot. Pharmacol (1995) 36:451-458 (“Mckeage”) in view of Zak et al., (US 6,503,943) and Collaueri et al., (US 6,221,393) further in view of Keppler et al., (US 5,256,653) and Calanchi et al. (US 5,900,252) as evidence by Swarbrick-Encyclopedia (1998) for the reasons made of record in Paper No. 20080609 and as follow. Additionally, claims 12-19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Mckeage et al. (1995) in view of Zak et al. (US 6,503,943) and Collaueri et al., (US 6,221,393), further in view of Keppler et al., (US 5,256,653) and Calanchi et al. (US 5,900,252), as evidence by Swarbrick-Encyclopedia of Pharmaceutical Technology (1998), as applied to claims 1-11 and 20-25 for the reasons made of record and as follows.

Applicants respectfully traverse the Office's rejections that the claims of the present application are obvious in view of the cited prior art.

All of the above cited prior art references fail to disclose at least two critical elements claimed in currently amended independent claim 1. They all fail to disclose a "(OC-6-43)-bis(acetato)-(1-adamantylamine)-amine-dichloroplatinic" platinum complex as claimed in currently amended independent claim 1. This particular platinum complex is a highly specialized molecule which, unlike the platinum complexes disclosed in the cited references, allows one to avoid the problems of the prior art.

Furthermore, none of the cited prior art references disclose a wet granulation where the active ingredient is wet granulated together with excipients. Instead the cited references, particularly Collaueri, only disclose an active ingredient being merely admixed into the ready granulate of the wet granulated excipients. Collaueri states "[t]he preformed granules entering into the pharmaceutical composition according to the invention are advantageously prepared from a polysaccharide powder, preferably xanthan gum," Col. 2, Ln. 56-59, i.e., no active ingredient present in the granulate as prepared. Collaueri further states at Col. 3, Ln. 18-23, that "The preferred granulation process according to the invention is that in which polysaccharide powder, preferably xanthan gum, is sprayed in a fluidized bed with the aid of a stream of gas, water optionally containing a surfactant is sprayed onto the powder, and the granules are obtained by drying," where again there is no mention of active ingredient or principle. Further still, Collaueri states "Tablet preparation procedure 700 g of the powder mixture consisting of the active principle (2 g), in this case Aprikalim, and the various constituents of the matrix, namely the pregranulated xanthan gum and, if appropriate, the other excipients, namely dicalcium phosphate and

lactose, are mixed beforehand.” Col. 5, Ln. 36-42. Thus, the active ingredient is mixed with already pregranulated excipients, i.e., no active ingredient is present in the granulate as prepared.

Therefore in light of the above, it is clear that what is disclosed in the above cited prior art references is a distinctly different from the composition claimed in currently amended independent claim 1 above wherein the active ingredient is wet granulated together with excipients.

In addition, none of the above mentioned references provide a teaching which could be used by one of ordinary skill to come up with and combine the otherwise non-disclosed elements and hence arrive at the presently claimed invention.

Therefore, because the aforementioned references fail to disclose at least two critical elements claimed in currently amended independent claim 1, from which all other claims depend, and because they do not provide a teaching which one of ordinary skill in the art could use to arrive at the presently claimed invention, none of the current claims are obvious in light of any combination of the aforementioned references.

Accordingly, the application and claims are believed to be in condition for allowance, and favorable action is respectfully requested.

No new matter has been added.

If any issues remain, the Examiner is respectfully invited to contact the undersigned at the number below, to advance the application to allowance.

Respectfully submitted,
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Dated: April 27, 2009

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